

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1202-01
Bill No.: HB 402
Subject: Courts; Crimes and Punishment; Health Care Professionals; Medical Procedures and Personnel
Type: Original
Date: February 19, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
Total Estimated Net Effect on <u>All</u> State Funds	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Public Defender, Department of Health, Department of Public Safety - State Highway Patrol, and the Department of Mental Health** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Prosecution Services (OPS)** assume the proposed legislation would have no financial impact on their agency, provided the prosecutors would not be responsible for mailing the reports. OPS noted the legislation is silent on that issue.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would require that certain copies of presentence investigation reports and sex offender assessment records be provided to treatment providers and therapists upon request. Since the burden of providing these copies appears to rest with Probation and Parole, they would not anticipate any costs to the courts.

Officials from the **Department of Corrections (DOC)** assume the language in this proposal mandates that copies of all Pre-Sentence Investigation (PSI) reports and Sexual Offender Assessment (SOA) records will be delivered to treatment providers and therapists assigned to an offender. DOC is concerned that passage of this legislation would be in conflict with the offenders' rights to confidentiality concerning their records. If the treatment provider or therapist assigned to an offender (as referred to in the bill) is not under contract by DOC to provide offender programs, a "Release of Information" would be required and that is not clarified.

Review of FY2000 treatment referrals indicates that 32,467 cases were opened. 17,869 offenders were identified that would be referred to treatment by policy. PSIs are conducted on about 19.72% of the offenders. Assuming an even distribution of cases, this would result in copying approximately 3,360 PSIs per year. SOA numbers are included in this group. If an initial assessment were required when a PSI was not completed, the number would be the total 17,869.

The above assumptions only account for cases opened. Offenders are not counted more than one time and neither are offenders who relapse and need additional treatment. These numbers are unknown, but would increase the counts significantly. In drug offenders, the relapse rate is in excess of 50%.

Since there is no central records repository, the DOC assumes clerical staff would be required at the 42 Probation & Parole district offices to monitor files and copy and deliver appropriate documentation. In summary, the fiscal impact of this bill is unknown, but has the potential to be significant.

ASSUMPTION (continued)

Oversight assumes that the fiscal impact of the proposed legislation would be more than \$100,000 annually.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
GENERAL REVENUE FUND			
<u>Costs - Department of Corrections</u>			
Salaries, Fringe Benefits, Equipment and Expense	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation allows copies of the presentence investigation reports and sex offender assessment records to be mailed or sent by facsimile to treatment providers and therapists assigned to certain offenders.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Prosecution Services
Office of the State Public Defender
Department of Health
Department of Mental Health
Office of State Courts Administrator
SOURCES OF INFORMATION (continued)

Department of Public Safety
- State Highway Patrol
Department of Corrections

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "E" and "A".

Jeanne Jarrett, CPA
Director

February 19, 2001